

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1372

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AN ACT to amend the Indiana Code concerning the general assembly.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 1-1-3-2, AS AMENDED BY P.L.72-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Except as provided in subsection (b)**, so soon as certificates from all the counties have been received, the governor shall issue and publish the governor's proclamation in the Indiana Register under IC 2-6-1.5-5, announcing the date at which the latest filing took place; of the facts contained in which proclamation, all courts shall take notice.

**(b) This subsection applies only in calendar year 2021. So soon as certificates from all the counties have been received under IC 2-6-1.5-5(f), the governor shall:**

**(1) for the distribution under IC 2-6-1.5-5(f)(1), issue and publish a governor's proclamation in the Indiana Register under IC 2-6-1.5-5, announcing the date at which the latest filing took place; of the facts contained in which proclamation, all courts shall take notice; and**

**(2) for the distribution under IC 2-6-1.5-5(f)(2), issue and publish a governor's proclamation in the Indiana Register under IC 2-6-1.5-5, announcing the date at which the latest filing took place; of the facts contained in which proclamation, all courts shall take notice.**

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**This subsection expires February 1, 2022.**

SECTION 2. IC 2-2.1-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The first regular session of each term of the general assembly shall convene on the third Tuesday after the first Monday of November of each even-numbered year to do the following:

- (1) Organize itself.
- (2) Elect its officers.
- (3) Receive the oath of office.

(b) If a special session is called before the date set in subsection (a), then the organization, election, and receiving the oath of office shall be held on the first day of the special session.

(c) The general assembly shall then adjourn until a day:

- (1) certain fixed by a concurrent resolution; or
- (2) when the gavel of each house falls in the presence of a quorum whether or not a day certain to reconvene in session has been fixed.

(d) The general assembly shall reconvene in session no later than the second Monday in January of the following year.

(e) The first regular session of each term of the general assembly shall adjourn sine die **as follows:**

- (1) Not later than November 15 in calendar year 2021.**
- (2) Not later than April 29 in any odd-numbered year beginning after December 31, 2022.**

SECTION 3. IC 2-2.1-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **(a) This section does not apply in calendar year 2021.**

~~(a)~~ **(b)** Before the first regular session adjourns sine die, the general assembly may adopt a concurrent resolution to fix a day to convene the first regular technical session of the general assembly. The day fixed under this subsection may not be earlier than thirty (30) days after the first regular session adjourns sine die.

~~(b)~~ **(c)** Only the following may be considered and acted upon during a first regular technical session:

- (1) Bills enacted during the first regular session vetoed by the governor.
- (2) Bills to correct conflicts among bills enacted during the first regular session.
- (3) Bills to correct technical errors in bills enacted during the first regular session.

~~(c)~~ **(d)** The first regular technical session must adjourn sine die before midnight after it convenes.



~~(d)~~ (e) The concurrent resolution adopted under subsection ~~(a)~~ (b) may provide that the first regular technical session is not required to convene if the speaker of the house of representatives and the president pro tempore of the senate jointly issue an order finding that the purposes for which a regular technical session may meet under subsection ~~(b)~~ (c) do not justify the cost and inconvenience of meeting in a regular technical session.

~~(e)~~ (f) If the general assembly does not meet in a regular technical session under this section, the general assembly shall consider and act upon vetoes of bills enacted during the first regular session at the next second regular session.

~~(f)~~ (g) For purposes of Article 5, Section 14 of the Constitution of the State of Indiana, the first regular technical session is not considered a regular session if the general assembly does not consider or act upon vetoes of bills enacted during the first regular session under this section.

SECTION 4. IC 2-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies only to those bills or joint resolutions which pass:

**(1) after April 19, 2021, and before April 30, 2021; or**

**(2) during the two (2) days before the sine die adjournment of a regular or special session of the general assembly.**

This section does not apply to bills passed during a regular technical session.

(b) The presiding officers of the house of representatives and the senate shall sign each bill or joint resolution passed under Article 4, Section 25 of the Constitution of the State of Indiana as soon as practicable, but not later than seven (7) calendar days after:

**(1) the date of passage with respect to a bill or joint resolution passed during the period described in subsection (a)(1); or**

**(2) sine die adjournment of the session of the general assembly at which the bill or joint resolution was passed with respect to a bill or joint resolution passed during the two (2) days before the sine die adjournment of a regular or special session of the general assembly.**

(c) A bill that has been signed under subsection (b) must be presented to the governor as soon as practicable, but not later than seven (7) calendar days after:

**(1) the date of passage with respect to a bill described in subsection (b)(1); or**

**(2) sine die adjournment of the session of the general assembly at which the bill was passed with respect to a bill described in**



**subsection (b)(2).**

SECTION 5. IC 2-2.1-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. **(a) This section does not apply in calendar year 2021.**

~~(a)~~ **(b)** This section applies only to bills passed during a regular technical session.

~~(b)~~ **(c)** The presiding officers of the house and senate shall sign each bill passed under Article 4, Section 25 of the Constitution of the State of Indiana as soon as practicable, but not later than the next business day after sine die adjournment of the regular technical session at which the bill was passed.

~~(c)~~ **(d)** A bill that has been signed under subsection ~~(b)~~ **(c)** must be presented to the governor as soon as practicable, but not later than the second business day after sine die adjournment of the regular technical session at which the bill was passed.

SECTION 6. IC 2-5-1.3-1, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "interim" refers to the following:

**(1) For calendar year 2021, the period beginning May 1, 2021, and ending November 15, 2021.**

**(2) For a calendar year beginning after December 31, 2021, that part of a the year that begins immediately after the day that a regular session of the general assembly adjourns sine die and ends immediately before the day that the next regular session of the general assembly convenes.**

SECTION 7. IC 2-6-1.5-5, AS AMENDED BY P.L.72-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Except as provided in subsection (f)**, not more than fourteen (14) days (including Saturdays, Sundays, and legal holidays) after the last day the governor must take action on enrolled acts passed during any session of the general assembly, the legislative services agency shall distribute to the clerk of the circuit court of each county one (1) copy of each enrolled act of that session which became law.

(b) A copy of the enrolled acts distributed under subsection (a) **or (f)** may be in:

- (1) a paper format; or
- (2) an electronic format.

(c) ~~This~~ **A distribution under this section** shall be delivered by:

- (1) certified mail that includes return receipt; or
- (2) any other means of delivery, including delivery in an



electronic format that provides for verification or acknowledgment of receipt; to each of the clerks of the counties of the state, and shall fulfill the publication and circulation requirements of Art. 4, Sec. 28 of the Constitution of the State of Indiana.

(d) Each clerk of the circuit court, upon delivery to the circuit court clerk of ~~the~~ a copy of the enrolled acts under this section, shall send a certificate to the governor showing the name of the county or counties served by the circuit court clerk, the signature of the circuit court clerk, and the date of receipt of the enrolled acts. The certificate shall be prepared in the format specified by the governor and returned to the governor in the manner specified by the governor. The governor may require the certificate to be returned by:

- (1) first class mail under the seal of the office; or
- (2) any other means of delivery, including delivery in an electronic format that provides for authentication by electronic signature (as defined in IC 26-2-8-102).

If the governor requires return of certificates in an electronic format, a circuit court clerk shall electronically send a copy of the certificate in the same manner and at the same time to the executive director of the legislative services agency. However, failure to do so does not invalidate the certification.

(e) **Except as provided in subsection (g)**, as soon as certificates from all the counties have been received, the governor shall certify the date at which the latest filing took place and publish the certification in the Indiana Register. All courts shall take notice of the facts contained in the certification.

**(f) This subsection applies only in calendar year 2021. The legislative services agency shall make the following two (2) distributions to the clerk of the circuit court of each county:**

- (1) Not more than fourteen (14) days (including Saturdays, Sundays, and legal holidays) after the last day the governor must take action on the enrolled acts passed during the session of the general assembly, one (1) copy of each enrolled act of the session which became law as provided in Article 5, Section 14 of the Constitution of the State of Indiana before May 21, 2021.**
- (2) Not more than fourteen (14) days (including Saturdays, Sundays, and legal holidays) after the last day the governor must take action on the enrolled acts passed during the session of the general assembly, one (1) copy of each enrolled act of the session which became law as provided in Article 5, Section**



**14 of the Constitution of the State of Indiana after May 20, 2021, and before December 7, 2021.**

**This subsection expires February 1, 2022.**

**(g) This subsection applies only in calendar year 2021. For each distribution under subsection (f)(1) and (f)(2), as soon as certificates from all the counties have been received, the governor shall certify the date at which the latest filing took place and publish the certification in the Indiana Register. All courts shall take notice of the facts contained in each certification. This subsection expires February 1, 2022.**

SECTION 8. IC 2-6-1.5-6, AS ADDED BY P.L. 72-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) Except as provided in subsection (b),** the speaker of the house of representatives and the president pro tempore of the senate, as soon as the preparation of the session laws and adopted joint resolutions is done, shall certify the fact that the session laws and adopted joint resolutions have been compared with the enrolled acts and adopted joint resolutions and have been found correct. A certificate in paper or electronic format attesting to the accuracy of the session laws and adopted joint resolutions shall be signed and dated by the speaker and president pro tempore. The certificate may be signed and dated with an electronic signature (as defined in IC 26-2-8-102). The signed and dated certificate shall be annexed in paper format or electronic format in the volumes of the acts for that session.

**(b) This subsection applies only in calendar year 2021. The speaker of the house of representatives and the president pro tempore of the senate, as soon as the preparation of the session laws and adopted joint resolutions is done for session laws and adopted joint resolutions prepared:**

**(1) before April 30, 2021, shall certify the fact that these session laws and adopted joint resolutions have been compared with the enrolled acts and adopted joint resolutions and have been found correct; and**

**(2) after April 29, 2021, and before November 16, 2021, shall certify the fact that these session laws and adopted joint resolutions have been compared with the enrolled acts and adopted joint resolutions and have been found correct.**

**Each certificate under subdivisions (1) and (2) shall be signed and dated by the speaker and president pro tempore in paper or electronic format attesting to the accuracy of the session laws and adopted joint resolutions. The certificates may be signed and dated**



with an electronic signature (as defined in IC 26-2-8-102). The signed and dated certificates shall be annexed in paper format or electronic format in the volumes of the acts under section 5(f)(1) and 5(f)(2) of this chapter for that session. This subsection expires February 1, 2022.

SECTION 9. IC 3-3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **This subsection applies only to the first regular session of the one hundred twenty-second general assembly. If the general assembly adjourns sine die before November 15, 2021, without having complied with the requirements of section 1 of this chapter, a redistricting commission is established. The redistricting commission consists of the speaker of the house, the president pro tem of the senate, the chairpersons of the senate and house committees responsible for legislative apportionment, and a fifth member appointed by the governor from the membership of the general assembly.**

**(b) This subsection applies to a session of the general assembly beginning after November 15, 2021.** If a session of the general assembly adjourns without having complied with the requirements of section 1 of this chapter or if for any other reason at any time the state finds itself without a valid congressional district law, a redistricting commission shall be established which shall consist of the speaker of the house, the president pro tem of the senate, the chairman of the senate and house committees responsible for legislative apportionment and a fifth member who shall be appointed by the governor from the membership of the general assembly.

~~(b)~~ **(c)** The redistricting commission shall meet within thirty (30) days after adjournment of the general assembly at a time and place designated by the president pro tem of the senate and shall adopt a congressional redistricting plan in accordance with this chapter.

~~(c)~~ **(d)** Any plan so adopted shall be signed by a majority of the redistricting committee and submitted to the governor who forthwith shall issue and publish ~~his~~ **the governor's** executive order establishing congressional districts in accordance with the plan so adopted and directing the commission to place such congressional districts in effect for the primary and general elections next succeeding such general assembly. Congressional districts so established shall continue in effect until changed by statute.

SECTION 10. IC 3-9-2-12, AS AMENDED BY P.L.58-2010, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section does not apply to:

- (1) a member of the general assembly; or



(2) a candidate's committee of a member of the general assembly; with respect to an office other than a legislative office or a state office to which the member seeks election.

(b) As used in this section, "affected person" refers to any of the following:

- (1) An individual who holds a legislative office.
- (2) A candidate for a legislative office.
- (3) An individual who holds a state office.
- (4) A candidate for a state office.

(c) As used in this section, "prohibited period" means the period:

(1) beginning on the day in January in each odd-numbered year the general assembly reconvenes under IC 2-2.1-1-2; and

(2) through **either of the following:**

**(A) April 29 in calendar year 2021.**

**(B) The day the general assembly adjourns sine die under IC 2-2.1-1-2 in an odd-numbered year ~~under IC 2-2.1-1-2~~ beginning after December 31, 2022.**

(d) During the prohibited period, an affected person, an affected person's candidate's committee, and a legislative caucus committee may not do any of the following:

- (1) Solicit campaign contributions.
- (2) Accept campaign contributions.
- (3) Conduct other fundraising activities. This subdivision does not prohibit an affected person from participating in party activities conducted by a regular party committee.

SECTION 11. IC 4-12-1-10, AS AMENDED BY P.L.134-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) This subsection applies to calendar year 2021. The budget committee shall meet:**

**(1) at least once after April 30, 2021, and before July 1, 2021; and**

**(2) upon the call of the chair.**

**The committee shall fix the time and place for a meeting called under this subsection.**

**(b) This subsection applies to a calendar year beginning after December 31, 2021.** The budget committee shall meet at least once during the two (2) month period after adjournment of each regular session of the general assembly sine die and upon ~~the~~ **the** call of the ~~chairman~~ **chair**. The committee shall fix the time and place for ~~such meetings:~~ **a meeting called under this subsection.**

**(c) This SECTION expires July 1, 2023.**

SECTION 12. **An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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